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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,536	08/04/2003	Biju Nair	95412US	6063

24628 7590 03/23/2006

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,536

Applicant(s)

NAIR ET AL.

Examiner

Kamran Afshar, 571-272-7796

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/06/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 11-16 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. After further reviewing of the case, a prior art was discovered that renders the claims 1-17, 19-26 unpatentable. The Allowance of the claims 1-17, 19-26 is cancelled under the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Regarding claim 1, it is unclear that a user interface in claim 1 line 4 is different than the user interface in claim 1 line 10.
 - Claims 2-17 are rejected since they are directly or indirectly depended on rejected claim 1.
 - Claim 5, recites word(s) "capable of" in line 2.
 - Claim 6, recites word(s) "capable of" in line 2.Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-10, 17 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusch (U.S. Patent 6,801,777) in view of Hammond (U.S. Patent 6,463,583 B1).

With respect to claims 1, 17, 25, Rusch discloses method and /or a wireless device (See e.g. Notebook, Laptop, PDA, etc., Lines 4-7 of Abstract, Co. 2, Lines 27-41, 1 of Fig. 1) for seamless roaming among (See e.g. traveling or moving out of coverage area, etc. Co. 1, Lines 25-35) one or more wireless wide area networks (WWANs) (See e.g. WCDMA, GSM/GPRS, etc. Co. 2, Lines 42-59) and one or more wireless local area networks (WLANs) (See e.g. WLAN, 802.11(a) and 802.11(b), Bluetooth, etc. Co. 2, Lines 42-59) the wireless device comprising: a user interface enabling a user to interact with the wireless device (See e.g. 122 of Fig. 1, Co. 6, Lines 5-9); one or more network interfaces coupled to the wireless device and to the one or more WWANs and the one or more WLANs (See e.g. 102-109 of Fig. 1, Co. 2, Lines 42-66); inherently an operating system running on the wireless device (i.e. Window 95/98/NT, Windows CE, etc.); a connectivity application running on top of the operating system (See e.g. Co. 5, Lines 5,-12) and / or rule-base process (See e.g. Procedure 200 of Fig. 2) which define search and or monitoring e rule engine (See e.g. Steps 20-224 of Fig. 2) for an application rule defining which of the available networks to select (See e.g. 20-224 of Fig. 2) ; applying the application rule (See e.g. 114 of Fig. 1, 216 of Fig. 2, Co. 5, Lines 18-34) and the wireless de3vice (See e.g. 100 of Fig. 1) to the selected available network, a manual process (See e.g. 116 of Fig. 1, 214 of Fig. 2, Co. 5, Line 55 – Co. 6, Line 12) to manually switch the wireless device (See e.g. 100 of Fig. 1) from the selected available network to another network and inherently maintaining the wireless device connection (See e.g. Co. 6, Line 66 – Co. 7, Line 6). In an analogous field of endeavor, Hammond discloses in detail the operating system (Windows 95/98/NT, Windows CE) and including: a user interface component (See e.g. 62 of Fig. 3); a core component (See e.g. 56 of Fig. 3) coupled to the user interface component (See e.g. 58 of Fig. 3); and a driver layer functioning on top of the operating system (See e.g. 48 of Fig. 3, Co. 4, lines 50-62, Co. 7, Lines 2-6). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Hammond to Rusch to provide a software and / or hardware solution adaptable to multiple different wireless wide area networks (i.e. WCDMA, GSM/GPRS, cellular system and or radios, etc.) for monitoring communication for available networks and / or service (See

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Rusch e.g. Co. 4, Lines 15-22), and making an intelligent selection and /or switching between links of various networks (See Rusch e.g. Co. 6, Lines 14-22).

Regarding claim 2, Rusch discloses the user interface inherently (See e.g. I/O 122 of Fig. 1 in any of the exemplary wireless devices as mentioned above in rejected claim 1) comprises: an input device, the input device including at least one of: a keypad; a touch screen; an input port; a pointing device; and a microphone; and an output device, the output device including at least one of: a video display; an output port; and a speaker (See e.g. Co. 5, Lines 40-54).

Regarding claim 3, it is obvious at least one graphical user interface (GUI) having a plurality of interactive devices designed to facilitate the user interaction (See Hammond e.g. Co. 4, Lines 50-62) with the wireless device via the input device and the output device (See Rusch e.g. 122 of Fig. 1).

Regarding claim 4, Rusch discloses the one or more network interfaces comprises at least one of: a WWAN interface and a WLAN interface; and a combination WWAN/WLAN interface (See e.g. 102-109 of Fig. 1).

Regarding claims 5, 19, Rusch discloses the WWAN interface and the combination WWAN/WLAN interface are capable of coupling to at least one of; an analog cellular network; a digital cellular network; a TDMA network; a CDMA network; a 1xRTT network; a GPRS network; a GSM network; an EDGE network; a UMTS network; and an iDEN Packet Data network (See e.g. WCDMA, GSM/GPRS, Co. 2, Lines 42-59, WLAN, 802.11(a) and 802.11(b), Bluetooth, etc. Co. 2, Lines 42-59).

Regarding claims 6, 20, Rusch discloses the WLAN interface and the combination WWAN/WLAN interface are capable of coupling to at least one of: an IEEE 802.11 network; a HomeRF network; a Bluetooth network; and a HiperLAN network (See e.g. WCDMA, GSM/GPRS, Co. 2, Lines 42-59, WLAN, 802.11(a) and 802.11(b), Bluetooth, etc. Co. 2, Lines 42-59).

Regarding claim 7, Rusch discloses at least one of the WWAN interface, the WLAN interface and the combination WWAN/WLAN interface is implemented by hardware (See e.g. WCDMA, GSM/GPRS, Co. 2, Lines 42-59, WLAN, 802.11(a) and 802.11(b), Bluetooth, etc. Co. 2, Lines 42-59 and Fig.1).

Regarding claim 8, Rusch discloses at least one of the WWAN interface, the WLAN interface and the combination WWAN/WLAN interface is implemented by software (See e.g. WCDMA, GSM/GPRS, Co. 2, Lines 42-59, WLAN, 802.11(a) and 802.11(b), Bluetooth, etc. Co. 2, Lines 42-59 and Fig.1).

Regarding claim 9, Rusch discloses at least one of the WWAN interface, the WLAN interface and the combination WWAN/WLAN interface is implemented by both hardware and software (See e.g. WCDMA, GSM/GPRS, Co. 2, Lines 42-59, WLAN, 802.11(a) and 802.11(b), Bluetooth, etc. Co. 2, Lines 42-59 and Fig.1).

Regarding claim 10, Hammond discloses the operating system comprises one of: MS-DOS; MAC OS; WINDOWS; OS/2; UNIX; LINUX; LINDOWS; XENIX; and PALM OS (See e.g. Co. 1, Lines 9-11, Figs 1 and 3).

Regarding claim 21, it is obvious that the steps of detecting, selecting, connecting and maintaining are performed automatically (See Rusch e.g. Co. 4, Lines 13-35 & without user intervention, Co. 6, Lines 5-12).

Regarding claim 22, it is obvious that rules engine includes one or more service provider rules (See Rusch e.g. Co. 3, Line 66 – Co. 4, Line 12).

Regarding claim 23, it is obvious that the one or more service provider rules include a WLAN preference rule (See e.g. Co. 6, Lines 5-8). Regarding claim 24, it is obvious that monitoring the selected available network connection to determine a connection loss; upon determining the connection loss, repeating the steps of selecting and connecting (See Rusch e.g. Co. 6, Lines 13-22).

Regarding claim 26, it is obvious that facilitating the user definition of selection criteria to be included in the rules engine (See e.g. quality preferences, power constraints, privacy preferences bit-error-rates, etc., Co. 5, Line 55 – Co. 6, Line 12).

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Allowable Subject Matter

6. Claims 11-16 and 27 are objected to as being dependent upon a rejected base claim, but upon proper overcoming rejection as discussed above in items 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Heimbeck (U.S. Pub. No.: 2004/0216135 A1).

b) Shell (U.S. Patent 6,826,762 B2).

c) Wang (U.S. Patent 6,496,511 B1).

d) Bahl (U.S. Pub. No.: 2003/0053437 A1).

e) Jaakkola (U.S. Pub. No.: 2005/0143071 A1).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamran Afshar


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER